### PATENT COOPERATION TREATY

# PCT

## INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

(Chapter II of the Patent Cooperation Treaty)

(PCT Article 36 and Rule 70)

	licant's or agent's file reference	FOR FURTHER AC	TION	See Form PCT/IPEA/416
	International application No. International filing date ( PCT/IL2004/000616 08.07.2004		lay/month/year)	Priority date (day/month/year) 09.07.2003
ŀ	mational Patent Classification (IPC)	or national classification and IP	C <sup>*</sup>	
	licant I.L - PARTICLES MONITOF	RING TECHNOLOGIES LT	TD.	
1.	This report is the international Authority under Article 35 and			this International Preliminary Examining 36.
2.	This REPORT consists of a to	otal of 8 sheets, including th	is cover sheet.	
3.	This report is also accompan	ied by ANNEXES, comprising	g:	
	a. 🛭 sent to the applicant a	and to the International Burea	u) a total of 8 shee	ets, as follows:
	<ul><li>sheets of the descent</li><li>and/or sheets con</li><li>Administrative Instruction</li></ul>	taining rectifications authoriz	gs which have beer ed by this Authority	n amended and are the basis of this report (see Rule 70.16 and Section 607 of the
	sheets which supplemental Box	sure in the international appl	ich this Authority co ication as filed, as it	onsiders contain an amendment that goes andicated in item 4 of Box No. I and the
	sequence listing and/c	nal Bureau only) a total of (in or tables related thereto, in co ence Listing (see Section 802	imputer readable fo	nber of electronic carrier(s)), containing a rm only, as indicated in the Supplemental ve Instructions).
4.	This report contains indicatio	ns relating to the following ite	ems:	
	☑ Box No. I Basis of the	e opinion		
	☐ Box No. II Priority	·		
	☐ Box No. III Non-establ	ishment of opinion with regai	d to novelty, inventi	ive step and industrial applicability
		ty of invention		
		statement under Article 35(2) y; citations and explanations		elty, inventive step or industrial Itement
		cuments cited		·
		ects in the international appli	cation	
	☐ Box No. VIII Certain obs	servations on the internationa	al application	
Date	e of submission of the demand		Date of completion o	f this report
01.	01.05.2005		24.10.2005	·
	Name and mailing address of the international preliminary examining authority:		Authorized Officer	Office her Felon, on the second of the secon
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# INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

International application No. PCT/IL2004/000616

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	Box No. I	Basis of the report	
1.		d to the <b>language</b> , this s otherwise indicated	s report is based on the international application in the language in which it was under this item.
	which inte	is the language of a trend ernational search (und plication of the interna	slations from the original language into the following language, ranslation furnished for the purposes of: ler Rules 12.3 and 23.1(b)) tional application (under Rule 12.4) examination (under Rules 55.2 and/or 55.3)
2.	have been	furnished to the recei	the international application, this report is based on (replacement sheets which iving Office in response to an invitation under Article 14 are referred to in this e not annexed to this report):
	Description	i, Pages	
	1-30		as originally filed
	Claims, Nu	mbers	
	1-35		received on 01.05.2005 with letter of 27.04.2005
	Drawings,	Sheets	
	1/13-13/13		as originally filed
	□ a sequ	uence listing and/or ar	ny related table(s) - see Supplemental Box Relating to Sequence Listing
3.	☐ the☐ the☐ the☐ the	description, pages claims, Nos. drawings, sheets/figs sequence listing <i>(spe</i>	
4.	had not be Supplement the the	en made, since they ntal Box (Rule 70.2(c) description, pages claims, Nos. e drawings, sheets/figs sequence listing (sp	
	* If it	em 4 applies. s	ome or all of these sheets may be marked "superseded."

# INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

International application No. PCT/IL2004/000616

Box No. V Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

Novelty (N)

Yes: Claims

1-35

No:

Claims

Inventive step (IS)

Yes: Claims

6,22,26,27

No: Claims

1-5,7-21,23-25,28-35

Industrial applicability (IA)

Yes: Claims

1-35

No: Claims

2. Citations and explanations (Rule 70.7):

see separate sheet

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# INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY (SEPARATE SHEET)

International application No.

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#### Re Item V

Reasoned statement with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

- 1 The following document is referred to in this communication:
  - D1: JONES A R: "Light scattering for particle characterization" PROGRESS IN ENERGY AND COMBUSTION SCIENCE, ELSEVIER SCIENCE PUBLISHERS, AMSTERDAM, NL, vol. 25, no. 1, February 1999 (1999-02), pages 1-53, XP004151620 ISSN: 0360-1285
  - D2: PIESTUN RAFAEL: "Multidimensional Synthesis of Light Fields" 17 October 2001 (2001-10-17), 1 November 2001 (2001-11-01) page 28, XP002302678 Retrieved from the Internet: URL:http://ece-www.colorado.edu/~piestun/2 8-32.PIESTUN.PDF> [retrieved on 2004-10-26]
  - D3: MATIZEN Y E ET AL: "FORMATION OF NON-GAUSSIAN LIGHT BEAMS WITH THE AID OF A SPATIALLY INHOMOGENEOUS AMPLITUDE FILTER" SOVIET JOURNAL OF QUANTUM ELECTRONICS, AMERICAN INSTITUTE OF PHYSICS. WOODBURY, NY, US, vol. 17, no. 7, 13 January 1987 (1987-01-13), 1 July 1987 (1987-07-01) pages 886-887, XP000709131
  - D4: FRIEDMANN MICHAEL ET AL: "Surface Analysis Using Multiple Coherent Beams" ELECTRICAL AND ELECTRONICS ENGINEERS IN ISRAEL, 5 November 1996 (1996-11-05), 6 November 1996 (1996-11-06) pages 537-540, XP002302679
  - D5: FRIEDMANN MICHAEL ET AL: "Resolution enhancement by extrapolation of the optically measured spectrum of surface profiles" APPLIED OPTICS, vol. 36, no. 8, 10 June 1996 (1996-06-10), 21 October 1996 (1996-10-21) XP002302680
  - D6: PIESTUN RAFAEL ET AL: "Pattern generation with an extended focal depth" APPLIED OPTICS, vol. 37, no. 23, 10 August 1998 (1998-08-10), 20 April 1998 (1998-04-20) pages 5394-5398, XP002302681
- 2 INDEPENDENT CLAIM 1

- 2.1 The present application does not meet the criteria of Article 33(1) PCT, because the subject-matter of amended claim 1 does not involve an inventive step in the sense of Article 33(3) PCT.
- 2.1.1 The closest prior art is seen in the document D1 disclosing the instrument designed by Kaye et al. and its method of application (the references in parenthesis applying to this document):

A method of particle size and concentration measurement (page 3, column 2, paragraph 5) comprising the following steps:

- providing a focussed laser beam (p. 37, col. 1, par. 2; fig. 25)
- causing said beam to interact with said particles (p. 37, col. 1, par. 2; fig. 25);
- measuring the interaction signal of said beam with said particles (p. 37, col. 1, par. 2; fig. 25) and number of interactions per unit time (p. 37, col. 1, par. 3); and
- using algorithms to map said interaction signals (p. 37, col. 1, par. 2 and
   3).
- 2.1.2 Claim 1 differs from D1 by the following technical features:
  - (1) the focussed laser beam being a synthesized, non-Gaussian laser beam
  - (2) mapping the interaction signals to said particle size and said number of interactions per unit time to said concentration
  - (3) wherein said focused, synthesized, non-Gaussian laser beam is a dark beam.
- 2.1.3 The following technical problems are related with the technical features (1)-(3) from 2.1.2 of this Report:
  - (1') investigating the influence of a non-Gaussian beam shape on scattering of laser beams by particles (feature (1))
  - (2') deriving particle size and concentration from the experimental results (feature (2))
  - (3') to obtain a narrower dark central spot than the "smeared" Gaussian "doughnut" mode provides and to keep a constant notch while propagating a pre-defined distance.

A non-Gaussian laser beam and the related technical problem (1') are already 2.1.4 disclosed in D1 (p. 10, col. 2, par. 3-p. 11, col. 1, par. 3). Thus it is suggested in D1 that the beam shape is important in the scattering process and that it is worth investigating the case of a non-Gaussian beam. The skilled person who would attempt to solve the related technical problem (1') would certainly find document D2 during search, D2 disclosing multidimensional control and synthesis of non-Gaussian light fields, suggesting their application to microscopy as applied in biochemistry, chemistry and materials processing (p. 28, col. 2, I. 4-col. 3, par. 1 and 2). The skilled person would not only find feature (1) and related technical problem (1') in D2, but would also learn that a synthesized non-Gaussian beam provides a much narrower central notch and keeps it constant during propagation over a pre-defined distance. Therefore the skilled person would also find feature (3) and related technical problem (3') disclosed in D2, would recognize the advantages of the synthesized non-Gaussian beam and would incorporate into the well-known method of Kaye described in D1, without an inventive step being involved. There is also no doubt that a dark non-Gaussian beam is disclosed in D2 (fig. 2 (b) and p. 30, col. 2, par. 2).

Moreover, feature (2) and related problem (2') are already well-known from the prior art and are part of the knowledge of the skilled person, as is also suggested in D1 (p. 3, col. 2, par. 5; p. 22, col. 2, par. 2 and p. 37, col. 1, par. 2 and 3: "...attempts have been made to compare the observed patterns with theoretical predictions using the RGD approximation [...]." ff).

#### 3 INDEPENDENT CLAIM 28

- 3.1 The present application does not meet the criteria of Article 33(1) PCT, because the subject-matter of amended claim 28 does not involve an inventive step in the sense of Article 33(3) PCT.
- 3.1.1 Amended independent claim 28 referring to system for particle size and concentration measurement comprises over claim 1:
  - (a) a scanning mechanism;

- (b) means for converting said Gaussian laser beam into said focused synthesized, non-Gaussian laser beam being chosen from the following group:
  - a combination of a spatial filter and a lens, and a liquid crystal device.

The remaining features of claim 28 are analogous to the features of method claim 1 and have been considered above; these features do not imply an inventive step (c.f. section 2.1 and subsections of this Report).

- 3.1.2 The technical problem solved by feature (a) is seen in:
  - (a') generating a synthesized non-Gaussian laser beam. The technical problem solved by feature (b) is seen in:
  - (b') maximising spatio-temporal focussing.
- The technical features (a) and (b) and the related technical problems (a') and (b') are known already from the document D2 (p. 31, col. 1, par. 2 and fig. 3a and its figure caption of D2: (a), (a'); p. 31, col. 3, par. 1-p. 32, col. 1, par. 1 and fig. 5 of D2: (b), (b')). The diffractive structure of D2 technically corresponds to the "spatial filter" of the application, the refractive structure and the structured lenses technically correspond to the "lens" of the application.
- 3.1.4 The skilled person, attempting to solve technical problems (a') and (b') would incorporate the teaching of document D2 regarding these problems into the common set-up of a scattering experiment as the one designed by Kaye et al. which is disclosed in D1 and would arrive at a system according to claim 28, without an inventive step being involved.
- 4. Dependent claims 2-5,7-21,23-25 and 29-35 do not contain any features which, in combination with the features of any claim to which they refer, meet the requirements of the PCT in respect of novelty and/or inventive step, see documents D1-D6 and the corresponding passages cited in the search report.
  D3-D6 disclose:
  - D3: the formation of non-Gaussian light beams, e.g. of a circular non-Gaussian light

# INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY (SEPARATE SHEET)

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beam with a central dark spot;

- D4: confocal optical scanning of a surface with a focussed non-Gaussian light beam of different shapes, for obtaining a lateral resolution better than 0.3 microns and an axial resolution better than 10 nm;
- D5: scanning a surface along a linear path using a focussed Gaussian beam; and
- D6: 3D-pattern generation involving a lens and a diffractive element.
- 5. The subject-matter of the following claims seems to be novel and inventive in the sense of Article 33(1)-(3):
  Claims 6, 22, 26 and 27,
  since their technical features have neither been anticipated nor suggested in any of the prior art documents.

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#### Claims

- 1. A method of particle size and concentration measurement comprising the following steps:
  - providing a focused, synthesized, non-Gaussian laser beam:
  - causing said beam to interact with said particles;
  - measuring the interaction signal and number of interactions per unit time of said beam with said particles; and
  - using algorithms to map said interaction signals to said particle size and said number of interactions per unit time to said concentration

wherein said focused, synthesized, non-Gaussian laser beam is a dark beam.

- 2. A method according to claim 1, wherein the particles are fluid borne, airborne, or on a surface.
- 3. A method according to claim 1, wherein the size of the particles ranges from sub-micron to thousands of microns.
- 4. A method according to claim 1, wherein the measurements are made in the intensity domain.

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- 5. A method according to claim 1, wherein the measurements are made using the mapping of the interaction pulse width to particle size.
- 6. A method according to claim 1, wherein the focal properties of the laser beam are changed depending on the size and concentration range of the particles.
- 7. A method according to claim 1, wherein the non-Gaussian beam is generated by employing a mask over a Gaussian laser beam.
- 8. A method according to claim 8, wherein the Gaussian beam is spatially modulated.
- 9. A method according to claim 8, wherein the Gaussian beam is spatially modulated by use of spatial-filter, a set of spatial filters, an electronic spatial light modulator, or a liquid crystal device.
- 10. A method according to claim 8, wherein the spatial modulation of the Gaussian beam is chosen from the group comprising:

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- intensity modulation;
- phase modulation;
- wavelength modulation
- polarization, modulation; and
- combinations of these.
- 11. A method according to claim 11, wherein the spatial modulation is implemented statically.
- 12. A method according to claim 11, wherein the spatial modulation is implemented dynamically
- 13. A method according to claim 1, wherein the non-Gaussian beam is generated by directly modifying the laser cavity or combining the beams from several lasers.
- 14. A method according to claim 1, wherein the interaction of the focused beam with the particles is accomplished by causing said particles to flow relative to a stationary beam.
- 15. A method according to claim 1, wherein the interaction of the focused beam with the particles is accomplished by providing

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- a scanning mechanism that provides a linear scanning path for said focused beam.
- 16. A method according to claim 1, wherein the interaction of the focused beam with the particles is accomplished by providing a scanning mechanism that provides a rotary scanning path for said focus beam.
- a detection system to measure radiation scattered at 90 degrees to the beam direction to verify single particle interaction in the focal area or as an additional dark field information.
- 18. A method according to claim 18, wherein the detection system used to measure radiation scattered at 90 degrees to the beam direction comprises a CCD camera.
- 19. A method according to claim 18, wherein the detection system used to measure radiation scattered at 90 degrees to the beam direction comprises several detectors.

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- 20. A method according to claim 20, wherein the several detectors are connected in a way selected from the group: addition, differential, and coincidence.
- 21. A method according to claim 1, wherein a detection system is used to measure radiation back-scattered from the particles.
- 22. A method according to claim 1, further comprising the use of a detector to measure radiation scattered at 90 degrees to the beam direction to detect smaller particles using dark field TOT measurement.
- 23. A method according to claim 1, wherein high concentrations of particles are measured by using a reflection, back scatter, mode, collecting the back-scattered interaction energy from the particle.
- 24. A method according to claim 19, wherein counting interaction signals, of the scanning laser beam, per unit time is used to measure high concentrations of particles.
- 25. A method according to claim 1, wherein the algorithms to map the interaction signals to the particle size and the

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number of interactions per unit time to the concentration are explicitly based on said interaction signals.

- 26. A method according to claim 1, wherein the algorithms to map the interaction signals to the particle size and the number of interactions per unit time to the concentration are based on an advanced artificial intelligence method.
- 27. A method according to claim 1, wherein the advanced artificial intelligence method is a Neural Network or support vector method (SVM).
- 28. A system for particle size and concentration measurement comprising:
  - one or more lasers to provide a Gaussian laser beam;
  - a scanning mechanism;
  - means for converting said Gaussian laser beam into a focused, synthesized, non-Gaussian laser beam; and
  - detection means;

wherein said focused, synthesized, non-Gaussian laser beam is a dark beam and said means for converting said Gaussian laser beam into said focused, synthesized, non-Gaussian laser beam are chosen from the following group:

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- a combination of a spatial filter and a lens; and
- a liquid crystal device.
- 29. A system according to claim 29 additionally comprising a second detection system to measure the radiation scattered at 90 degrees to the beam direction.
- 30. A system according to claim 29, additionally comprising a beam splitter to divert back-scattered interaction energy from the particle to the detection system.
- 31. A method according to claim 1, wherein the synthesized, non-Gaussian laser beam is circular.
- 32. A method according to claim 1, wherein the synthesized, non-Gaussian laser beam is linear.
- 33. A method according to claim 1, wherein the particle size is determined by differential interference of the light scattered from said particle with the two lobes of a linear synthesized, non-Gaussian laser beam.

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- 34. A method according to claim 1, wherein the particle size is determined by analyzing the polarization of the light scattered from said particle.
- 35. A method according to claim I, wherein two or more confocal beams are simultaneously generated, each of said beams having a different wavelength.

AMENDED SHEET 592 P.019

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C. DOCUME	ENTS CONSIDERED TO BE RELEVANT				
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X	JONES A R: "Light scattering for particle characterization" PROGRESS IN ENERGY AND COMBUSTION SCIENCE, ELSEVIER SCIENCE PUBLISHERS, AMSTERDAM, NL, vol. 25, no. 1, February 1999 (1999-02), pages 1-53, XP004151620 ISSN: 0360-1285	1-3,5,6, 15, 18-22, 24,26, 29,31, 32,36,37
<b>Y</b>	page 3, column 1, paragraphs 1,2 page 3, column 2, paragraph 5 page 10, column 2, paragraph 4 - page 11, column 1, paragraph 3 page 32, column 2, paragraphs 4,5 page 35, column 2, paragraphs 2,3 page 36, column 2, paragraph 2 - page 37, column 1, paragraph 2 figures 7,23-25	4,8-14, 16,17, 30,33-35
<b>Y</b>	PIESTUN RAFAEL: "Multidimensional Synthesis of Light Fields" 17 October 2001 (2001-10-17), - 1 November 2001 (2001-11-01) page 28, XP002302678 Retrieved from the Internet: URL:http://ece-www.colorado.edu/{piestun/28-32.PIESTUN.PDF> 'retrieved on 2004-10-26! page 28, column 3, line 1 - page 29, column 1, paragraph 2 page 30, column 2, paragraph 2 - page 30, column 3, paragraph 2	4,34,35
Y	MATIZEN Y E ET AL: "FORMATION OF NON-GAUSSIAN LIGHT BEAMS WITH THE AID OF A SPATIALLY INHOMOGENEOUS AMPLITUDE FILTER" SOVIET JOURNAL OF QUANTUM ELECTRONICS, AMERICAN INSTITUTE OF PHYSICS. WOODBURY, NY, US, vol. 17, no. 7, 13 January 1987 (1987-01-13), - 1 July 1987 (1987-07-01) pages 886-887, XP000709131 abstract page 887, column 1, paragraph 4 - column 2, paragraph 2	8-11

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C.(Continuation) DOCUMENTS CONSIDERED TO BE RELEVANT					
Category •	Citation of document, with Indication; where appropriate, of the relevant passages	Relevant to claim No.			
<b>Y</b>	FRIEDMANN MICHAEL ET AL: "Surface Analysis Using Multiple Coherent Beams" ELECTRICAL AND ELECTRONICS ENGINEERS IN ISRAEL, 5 November 1996 (1996-11-05), - 6 November 1996 (1996-11-06) pages 537-540, XP002302679 cited in the application page 537, column 1, paragraph 1 - page 537, column 2, paragraph 1 page 538, column 2, paragraph IV - page 538, column 1, paragraph IV page 539, column 2, paragraph 2 page 540, column 1, paragraph 2 figure 4 & Retrieved from the Internet: URL:http://ieeexplore.ieee.org/ie13/4282/1 2326/00567034.pdf?tp=&arnumber=567034&isnumber=12326&arSt=537&ared=540&arAuthor=Friedmann%2C+M.%3B+Piestun%2C+R.%3B+Paquet%2C+E.%3B+Shamir%2C+J.%3B>	12-14, 17, 33			
Y	FRIEDMANN MICHAEL ET AL: "Resolution enhancement by extrapolation of the optically measured spectrum of surface profiles" APPLIED OPTICS, vol. 36, no. 8, 10 June 1996 (1996-06-10), - 21 October 1996 (1996-10-21) XP002302680 cited in the application page 1747, column 1, paragraph 1 page 1748, column 1, line 21 - page 1749, column 1, line 9	16			
Y	PIESTUN RAFAEL ET AL: "Pattern generation with an extended focal depth" APPLIED OPTICS, vol. 37, no. 23, 10 August 1998 (1998-08-10), - 20 April 1998 (1998-04-20) pages 5394-5398, XP002302681 cited in the application paragraph '0004!	30			

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Category *	Citation of document, with indication, where appropriate, of the relevant passages		Relevant to ctaim No.
A	SPEKTOR BORIS ET AL: "Dark beams with a constant notch" OPTICS LETTERS, 'Online! vol. 21, no. 7, 12 December 1995 (1995-12-12), pages 456-458, XP002302682 Retrieved from the Internet: URL:http://ol.osa.org/abstract.cfm?id=4475 8> 'retrieved on 2004-10-25! cited in the application page 456, column 1, paragraph 2 - page 456, column 1, paragraph 3 figures 1-3		4
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Information on patent family, members

\*\*Stional Application No PCT/IL2004/000616

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WO 9850779	A	12-11-1998	CA EP JP US WO	2288880 A1 1007944 A1 2001524215 T 6084671 A 9850779 A1	12-11-1998 14-06-2000 27-11-2001 04-07-2000 12-11-1998

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